

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking into Transfer of Master-Meter/Submeter systems at Mobilehome parks and Manufactured Housing Communities to Electric and Gas Corporations.

Rulemaking 11-02-018  
(Filed February 24, 2011)

**DECISION GRANTING COMPENSATION TO SAN LUIS REY HOMES, INC. FOR  
SUBSTANTIAL CONTRIBUTION TO DECISION 14-03-021.**

<b>Claimant: San Luis Rey Homes, Inc.</b>	<b>For contribution to Decision (D.) 14-03-021</b>
<b>Claimed: \$35,055.98</b>	<b>Awarded: \$30,922.86 (11.79% reduction)</b>
<b>Assigned Commissioner: Florio</b>	<b>Assigned Administrative Law Judge (ALJ): Vieth</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	The Decision approves a three-year pilot program for voluntary conversions of master-metered mobilehome parks to be served directly by the serving utility.
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**B. Claimant must satisfy intervenor compensation requirements set forth in  
Public Utilities Code Sections 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	April 15, 2011	Correct.
2. Other Specified Date for NOI:		
3. Date NOI Filed:	May 23, 2011	Correct.
4. Was the NOI timely filed?	Although San Luis Rey Homes, Inc.'s notice of intent was not timely filed, within 30 days of the	

		PHC, the assigned ALJ approved the late filing in an e-mail dated May 25, 2011.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 11-02-018	Correct.
6. Date of ALJ ruling:	July 28, 2011	Correct.
7. Based on another CPUC determination (specify):		
8. Has the claimant demonstrated customer or customer-related status?	Yes, the ALJ Ruling stated that San Luis Rey Homes (SLRH), Inc. is a customer (Category 3) as defined in Pub. Util. Code § 1802(b)(1)(C).	
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.11-02-018	Correct.
10. Date of ALJ ruling:	July 28, 2011	Correct.
11. Based on another CPUC determination (specify):		
12. Has the claimant demonstrated significant financial hardship?	Yes, it would be a significant financial hardship for the intervenor to participate in this proceeding without an award of fees or costs.	
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision	Decision (D.). 14-03-021	Correct.
14. Date of Issuance of Final Decision:	March 14, 2014	Correct.
15. File date of compensation request:	May 12, 2014	Correct.
16. Was the request for compensation timely?	Yes, the	

	compensation request was filed within 60 days of the date of issuance of D.14-03-021.
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**C. Additional Comments on Part I:**

#	Intervenor	CPUC	Comment
	X		SLRH received a finding of customer status and significant financial hardship in an ALJ Ruling issued on July 28, 2011, as indicated above. Nothing has changed with respect to either classification.

**PART II: SUBSTANTIAL CONTRIBUTION****A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
SLRH participated in all California Public Utilities Commission (Commission) PHC's workshops and other attempts to reach a collaborative end to this proceeding, including the filing of proposals.	<p>D.14-03-021 – The following parties filed initial proposals on October 21, 2011:...SLRH, a resident owned park...the Commission held a workshop on November 2-3, 2001, where the parties described their proposals and responded to questions from the parties (pages 8-9).</p> <p>Negotiations among the parties followed. (page 9).and the parties publicly revealed they were involved in preliminary settlement discussions...and were working to develop common sample costs for conversion (Page 9).</p> <p>(SLRH will note, very importantly, that the common sample costs were based on the costs at the SLRH park, and SLRH opened its books and records in this regard. No other park did so.) “The utilities all use the same basic approach to extrapolate the cost of a Mobile Home Park (MHP) conversion program in their service territories from the conversion cost/space developed in the</p>	Agreed.

	SLRH cost study. (Page 23 and Appendix B to Dec. 14-03-021)	
SLRH provided comments, testimony and filed briefs related to the competing proposals.	<p>April 8, 2011 – Comments on OIR.</p> <p>October 21, 2011 – Response to ALJ Vieth Proposal.</p> <p>December 7, 2011 – Response to PG&amp;E Proposal.</p> <p>November 20, 2012 – Joint Stipulation of Parties.</p> <p>January 18, 2013 – Reply Brief.</p> <p>October 18, 2013 –Reply Brief.</p> <p>October 25, 2012 – Rebuttal Testimony.</p>	<p>Agreed. SLRH submitted comments on March 29, 2011.</p> <p>The Commission notes that more specificity is typically required regarding substantial contribution – more than simply referencing to documents submitted by a party in the proceeding. The filing of documents, alone, does not indicate substantial contribution.</p> <p>Here, the Commission recognizes that in spite of the lack of proper citation, SLRH did substantially contribute to D.14-03-021 through its participation in R.11-02-018.</p>

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b>	<b>Yes</b>	Correct.
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	<b>Yes</b>	Correct.
<b>c. If so, provide name of other parties:</b> SLRH joined a coalition of parties to present one proposal, namely Pacific Gas and Electric Company (PG&E), South Western Gas, Western Mobile Home Association, and Golden State Mobile Home Association. SLRH allowed them to take the lead and time spent in developing the proposal was not duplicative.		Correct.
<b>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b>  SLRH provided a unique perspective on transfers as it is a resident-owned MHP, and limited its participation to raising this issue in briefs, testimony and workshops. No duplication occurred. SLRH tried to coordinate with ORA, but they were not cooperative. As mentioned above, SLRH fully cooperated so that its cost information could be used as the basis for the cost study which benefitted all parties. It was a unique third party to the utilities, and each party benefitted from SLRH's efforts.		Agreed.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION****A. General Claim of Reasonableness (§§ 1801 & 1806):**

<b>a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation.</b>  SLRH's participation in this proceeding resulted in a cost study that all the utilities could use to determine their individual costs for conversions. It permitted the Commission to have ONE baseline of information that would otherwise not have been possible. All the other parties could also use this information.	<b>CPUC Discussion</b>  Verified, <i>but see</i> "CPUC Disallowances and Adjustments" in Part III.C.
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<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

SLRH also participated in the PG&E proposal, and provided its unique perspective how, as a resident owned park, the inclusion of beyond-the-meter costs would be critical to the success of any program adopted by the Commission.	
<b>b. Reasonableness of Hours Claimed.</b> SLRH staffed this proceeding with one experienced attorney (Edward Poole). His experience with the Commission and his particular experience with utility issues in MHPs helped keep SLRH's hours at a reasonable level.	Verified, <i>but see</i> "CPUC Disallowances and Adjustments" in Part III.C.
<b>c. Allocation of Hours by Issue</b> Program Proposal                77% Beyond the Meter                11% Cost Study                        5% General                            7%	Verified.

**A. Specific Claim:\***

B. CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Edward Poole	2011	21.25	\$400	Res. ALJ-267	\$8,500	16 [1]	400.00 [2]	6,400.00
Edward Poole	2012	32.25	\$400	Res. ALJ-281	\$12,900	31.375	405.00 [3]	12,706.88
Edward Poole	2013	15.75	\$400	Res. ALJ-287	\$6,300	14.75	410.00 [4]	6,047.50
Edward Poole	2014	1.75	\$400	Res. ALJ-287	\$580	1.75	410.00	717.50
Sam Rosen Advocate	2011	12	\$100	See Attachment A	\$2,400	12	\$90.00	1,080.00
Sam Rosen Advocate	2012	6	\$100	See Attachment A	\$1,200	12	\$90.00 [5]	1,080.00
Subtotal: \$31,880.00						Subtotal: \$ 28,031.88		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$

Sam Rosen Advocate	2011	12	50	See Attachment A	600	12	\$45.00	540.00
Sam Rosen, Advocate	2013	12	50	See Attachment A	600	12	\$45.00	540.00
Subtotal: \$1,200.00						Subtotal: \$1,080.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Edward Poole	2013	8	\$200	Res ALJ-287	\$1,600	7 [6]	205	1,435.00
Subtotal: \$1,600.00						Subtotal: \$1,435.00		
COSTS								
#	Item	Detail			Amount	Amount		
	Phone charges				97.48	97.48		
	messenger				170.90	170.90		
	photocopy				107.60	107.60		
TOTAL REQUEST: \$35,055.98						TOTAL AWARD: \$30,922.86		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR <sup>2</sup>			Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation	
Edward G. Poole		December 10, 1985			120976		No	

**C. CPUC Disallowances and Adjustments:**

#	Reason
[1]	The Commission does not compensate for work performed outside the scope of the

<sup>2</sup> This information may be obtained at: <http://www.calbar.ca.gov/>.

	<p>proceeding. <i>See</i> D.11-03-024. In 2011, Poole lists five entries on the timesheet referencing a petition filed on July 28, 2011. The proceeding's docket card lists no petition filed in the vicinity of that date. As such, compensation cannot be awarded for the following entries:</p> <p>07/15/2011 – Correspondence to client re Petition - .5 hours.</p> <p>07/27/2011 – Revise Petition – 1 hour.</p> <p>07/28/2011 – File Petition – 1 hour.</p> <p>08/15/2011 – Review correspondence received re PHC; Petition - .25 hours (although the entry lists .5 hours, the entry contains two unique tasks, and is therefore divided in half).</p> <p>In addition, the Commission does not compensate for the work of attorneys when it is clerical in nature, as such clerical tasks are factored into the attorney's hourly rate. Compensation cannot be awarded for the following entries:</p> <p>10/21/2011 –Finalize and file proposal – 2 hours.</p> <p>12/07/2011 – Finalize and file comments on PG&amp;E's proposal - .5 hours.</p> <p>01/13/2012 – File comments on PD, revise same, obtain waiver from rules - .5 hours (although the entry lists 1.5 hours, the entry contains three unique tasks, and is therefore reduced by one-third).</p> <p>10/25/2012 – Revise testimony; file same - .375 hours (although the entry lists .75 hours, the entry contains two unique tasks, and is therefore divided in half).</p> <p>01/18/2013 – Finalize and file brief – .5 hours.</p> <p>10/18/2013 – finalize and file brief - .5 hours.</p>
[2]	<p>Poole was granted a \$350.00 rate for 2008-2009 in D.10-05-009. At the time, Poole had 22 years of energy and regulatory experience. Based on Resolution ALJ-267, the Commission approves Poole's 2011 rate of \$400.00 based on his experience as a licensed attorney in California.</p>
[3]	<p>Resolution ALJ-281 adopted a 2.2% cost-of-living-adjustment for hourly rates in calendar year 2012, which is now applied to Poole's rate and rounded down to nearest 5 dollar increment. The Commission adopts a rate of \$405.00 for Poole's work in 2012.</p>
[4]	<p>Resolution ALJ-287 adopted a 2.0% cost-of-living-adjustment for hourly rates in calendar year 2013, which is now applied to Poole's rate and rounded down to nearest 5 dollar increment. The Commission adopts a rate of \$410.00 for Poole's work in 2013.</p>
[5]	<p>The Commission approves a rate of \$90 per hour for Rosen's work in 2011. Based on the resume submitted, Rosen has been the Secretary/Treasurer of LSLRH, Inc. since 2010. This position provided Rosen opportunities to appear before the Commission. Based on past Commission decisions regarding compensation for advocates and the</p>



	guidelines developed for compensation in Resolutions, the Commission believes \$90 is reasonable. <i>See e.g.</i> , D.12-01-031, D.13-03-023, Res. ALJ-267, Res. ALJ-281, and Res. ALJ-287. In addition, the Commission believes the request was intended to seek compensation for 12 hours of work in 2012, not the 6 as indicated. Since the timesheet submitted indicates 12 hours of work performed, the Commission will award the appropriate compensation despite the error. Finally, the Commission notes the last workshop took place on March 4, 2013, not March 4, 2012, as indicated in the timesheets.
[6]	Per the timesheets submitted by Poole, via e-mail (07/24/14), seven hours were spent working on intervenor compensation matters.

#### PART IV: OPPOSITIONS AND COMMENTS

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(2)(6))?</b>	Yes.

#### FINDINGS OF FACT

1. San Luis Rey Homes, Inc. has made a substantial contribution to D.14-03-021.
2. The requested hourly rates for SLRH, Inc.'s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$30,922.86.

#### CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. San Luis Rey Homes, Inc. is awarded \$30,922.86.
2. Within 30 days of the effective date of this decision Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company shall pay San Luis Rey Home, Inc. their respective shares of the award, based on their California-jurisdictional gas and electric revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 26, 2014, the 75<sup>th</sup> day after the filing of San Luis Rey Homes Inc's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

**APPENDIX**  
**Compensation Decision Summary Information**

<b>Compensation Decision:</b>		<b>Modifies Decision?</b>	No
<b>Contribution Decision(s):</b>	D.14-03-021		
<b>Proceeding(s):</b>	R.11-02-018		
<b>Author:</b>	ALJ Vieth		
<b>Payer(s):</b>	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
San Luis Rey Homes, Inc.	05/12/2014	\$35,055.98	\$30,922.86	No.	See Part III.C of this decision.

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Edward	Poole	Attorney	San Louis Rey Homes, Inc.	\$400	2011	\$400
Edward	Poole	Attorney	San Louis Rey Homes, Inc.	\$400	2012	\$405
Edward	Poole	Attorney	San Louis Rey Homes, Inc.	\$400	2013	\$410
Edward	Poole	Attorney	San Louis Rey Homes, Inc.	\$400	2014	\$410
Sam	Rosen	Advocate	2011	\$100	2011	\$90
Sam	Rosen	Advocate	2012	\$100	2012	\$90
Sam	Rosen	Advocate	2013	\$100	2013	\$45/\$90

(END OF APPENDIX)